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SUMMARY OF MEETING

COMMITTEE ON LEGAL SERVICES

January 19, 2017

The Committee on Legal Services met on Thursday, January 19, 2017, at 12:04 p.m. in HCR 0112. The following members were present:

Representative Foote, Vice-chair
Representative Herod
Representative Lee
Representative Willett
Representative Wist
Senator Gardner
Senator Guzman
Senator Holbert
Senator Kagan

Representative Foote called the meeting to order.

12:04 p.m. – The Committee addressed agenda item 1 – Election of Chair and Vice-chair.

12:05 p.m.

Hearing no discussion or testimony, Senator Holbert nominated Senator John Cooke to serve as chair of the Committee on Legal Services for the next year. Representative Lee seconded the motion. The motion passed on a vote of 9-0 with Senator Gardner, Senator Guzman, Representative Herod, Senator

Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

Representative Foote said Senator Cooke is the new chair and we'll have to tell him that when he gets back.

12:06 p.m.

Hearing no discussion or testimony, Representative Willett nominated Representative Mike Foote to serve as Vice-chair of the Committee on Legal Services for the next year. Senator Kagan seconded the motion. The motion passed on a vote of 9-0 with Senator Gardner, Senator Guzman, Representative Herod, Senator Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

Since Senator Cooke was excused, Representative Foote, Vice-chair, served as the Chair for the rest of the meeting.

12:07 p.m. – Kate Meyer, Senior Attorney, Office of Legislative Legal Services, addressed agenda item 2 – Reappointment or appointment of two nonlegislative attorney members to the Statutory Revision Committee.

Ms. Meyer said on behalf of the staff of the Statutory Revision Committee (SRC) who is myself, Jessica Wigent, Kristen Forestal, and Jane Ritter, all from the Office, we'd like to thank you for your consideration of this agenda item today. Briefly the SRC exists to rectify defects, anachronisms, and contradictions in the law. It was recreated last year upon the enactment of H.B. 16-1077. The SRC comprises 10 members total. There are eight legislative members who are appointed by the leadership of both houses and then two nonvoting members who are attorneys-at-law who are appointed by the Committee. Although the appointments to the SRC are generally made in the first regular session of each general assembly, H.B. 16-1077 made specific provision for the SRC to get its work underway immediately in the 2016 interim so there were temporary appointments of both the legislative and nonlegislative members to the SRC. This allowed the SRC to get right to work and it met three times during 2016 and ultimately recommended 15 bills for introduction. The bill recreating the SRC did not exempt the temporary appointees from the timing of appointments so this being the first regular session of the current General Assembly, the legislative and nonlegislative members of the body have to be appointed or reappointed. The legislative members have been appointed by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House and we're here today so that you can appoint or reappoint the two nonvoting attorneys-at-law. Briefly, H.B. 16-1077 stipulated that the

attorneys-at-law who are appointed to the SRC may not be affiliated with the same political party and appointments or reappointments can be made in perpetuity; there's no limit to the number of terms that any member can serve on the SRC. With that I believe that you have been forwarded information regarding the current nonvoting members. I'm happy to answer any questions about the SRC generally or the work of the SRC or your duty here. I will say that the good news is your appointments today will align the timing of the nonvoting member appointees with H.B. 16-1077's two-year schedule, so you will not be doing this again until January 2019.

Representative Foote said we all have in front of us the resumes and information of two people, Ms. Collins and Mr. Ramming, and these are the two people who are on the SRC already? Ms. Meyer said yes.

12:10 p.m.

Hearing no further discussion or testimony, Representative Lee moved to appoint Patrice Bernadette Collins and Brad Alan Ramming as the nonlegislative lawyer members to the Statutory Revision Committee. Senator Kagan seconded the motion. The motion passed on a vote of 9-0 with Senator Gardner, Senator Guzman, Representative Herod, Senator Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

12:11 p.m. – Jennifer Gilroy, Revisor of Statutes, Office of Legislative Legal Services, addressed agenda item 2 – Sponsorship of the Revisor's Bill.

Ms. Gilroy said I'm here to ask you to consider sponsoring a Revisor's Bill again this legislative session. For those of you who are new to the Committee, this is an annual event. It's a bill that's introduced and aimed toward being a fix-up bill and correcting errors that we find in the statutes. There is actually statutory authority for this bill that directs the Revisor of Statutes under your authority to amend or repeal any laws that are obsolete, inoperative, imperfect, obscure, or my favorite, doubtful, so that they will improve the clarity and certainty of the laws of the state of Colorado. We try to endeavor to make sure that all of the inclusions of the Revisor's Bill are nonsubstantive and seek that it stays that way as it goes through the legislative process. It's introduced very late in the session. My goal most years is to try to get it introduced on or around April 1. And it goes through the whole process with an appendix that explains every single section of the bill and why that section of the bill is in there. The typical kinds of inclusions in this bill are missed conforming amendments, correcting statutory oversights, repealing any obsolete law, repealing one time reporting requirements that have been met, and unique to the bill this year will be the

inclusion of gender neutralizing male pronouns in reference to the Colorado State Auditor. Those are examples of what you'll see in the bill. It's usually pretty lengthy, around 100 sections, and I think this year will be no exception to that. If you have a burning desire to know more about the Revisor's Bill there's a Legisource blog article about it from November 2013. I would just ask that the Committee consider sponsoring it and if so letting me know who would like to carry it in each chamber.

Representative Foote said there are a couple of new members of this Committee so I was wondering if you could explain the process by which this happens. You're asking for sponsors now and then you'll come to this Committee with a draft of the bill, is that right? And then it goes to the floor if it's approved? Can you just explain that process? Ms. Gilroy said that's a really good point. I typically do not come back to the Committee so today if the Committee agrees to sponsor the bill you would identify to me who would be the prime sponsors in each house and who would like to be co-sponsors on the bill from this Committee. Thereafter I will work directly with the prime sponsor to get it introduced and make sure that sponsor knows everything that's in that bill. Then it goes through the legislative process like any other bill.

Senator Gardner volunteered to be the Senate sponsor with the bill starting in the Senate and requested a bill signing with the Governor. Representative Lee agreed to be the House sponsor.

12:16 p.m. – The Committee addressed agenda item 4 – Executive session pursuant to section 24-6-402 (3)(a)(II), C.R.S., for the purpose of conducting attorney-client discussions and receiving legal advice on pending and imminent legal matters.

Representative Foote said this agenda item would call for a possible executive session to discuss matters of attorney-client privilege between the Office staff and the Committee. The procedure on this would be if there is a motion and then it's approved by two-thirds of the Committee we go into executive session. At that point and time we can discuss what we need to discuss and then go out of executive session.

12:17 p.m.

Hearing no further discussion or testimony, Senator Gardner moved that the Committee on Legal Services convene in executive session pursuant to section 24-6-402 (3)(a)(II) for the purpose of conducting attorney-client discussions and receiving legal advice on pending and imminent legal matters. Senator Holbert seconded the motion. The motion passed on a vote of 9-0 with Senator

Gardner, Senator Guzman, Representative Herod, Senator Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

The tape system was turned off, and the Committee went into executive session.

12:55 p.m.

The Committee returned from executive session.

12:56 p.m.

Hearing no discussion or testimony, Senator Gardner moved that the Committee extend legal representation to Representative Ransom in her complaint before the Independent Ethics Commission. Senator Kagan seconded the motion. The motion passed on a vote of 9-0 with Senator Gardner, Senator Guzman, Representative Herod, Senator Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

12:57 p.m.

Hearing no discussion or testimony, Senator Gardner moved that the Committee retain attorney Mark Grueskin for the defense of the complaint against Representative Ransom. Senator Holbert seconded the motion. Senator Gardner said without getting into any of the attorney-client privileged discussion we had let me just observe that the Committee had a full discussion and briefing of the qualifications and merits of the various attorneys who had submitted resumes and information. My making the motion is based upon having heard and considered all of that and for consideration of the Committee was to whether there would be a majority to do that. Representative Foote said I'll just say that I appreciate staff coming forward with a number of recommendations. They were all very strong recommendations. I do agree that Mr. Grueskin would be an excellent attorney for this particular issue. The motion passed on a vote of 9-0 with Senator Gardner, Senator Guzman, Representative Herod, Senator Holbert, Senator Kagan, Representative Lee, Representative Willett, Representative Wist, and Representative Foote voting yes.

12:58 p.m. – The Committee addressed agenda item 5 – Scheduled Meetings During the Session.

Representative Foote said we meet once a month as many of you know. We have scheduled meetings from noon to 2:00 p.m. February 3, March 3, April 7, and May 5.

12:59 p.m. – Debbie Haskins, Assistant Director, Office of Legislative Legal Services, testified before the Committee. She said the next Committee meeting will be February 3 and it will be in Senate committee room 357. The Committee will be sitting as the committee of reference on the Rule Review Bill. There are also some other agenda items including an update on the Title 12 Recodification Study and we do have a report that we can hand out. The Committee will be asked to look at and consider sponsoring the bills from the Title 12 Recodification Study so you are going to be getting an agenda with the links to the bills.

1:00 p.m.

The Committee adjourned.